

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

BENJAMIN BRYAN BUCKHANAN,	:	
Petitioner,	:	
	:	
- v -	:	Civil Action No. 05-181 (Erie)
	:	
JAMES SHERMAN, WARDEN,	:	
Respondent.	:	

DECLARATION OF JOYCE HORIKAWA

I, Joyce M. Horikawa, make the following declaration under penalty of perjury:

1. I am a Senior Attorney Advisor employed by the United States Department of Justice, Federal Bureau of Prisons, assigned to the Northeast Regional Office in Philadelphia, Pennsylvania. I have been employed in this position since approximately April 8, 2001. Pursuant to my official duties, I have access to records maintained in the ordinary course of business by the Federal Bureau of Prisons, in the Northeast Regional Office

2. I am familiar with the Bureau of Prisons' administrative remedy process for inmates as set forth at 28 C.F.R. § 542.10, et seq. In order to exhaust all process under the Administrative Remedy Procedure for Inmates, an inmate must first attempt to informally resolve the dispute with institution staff. 28 C.F.R. § 542.13. If informal resolution efforts fail, the inmate may raise his or her complaint to the Warden of the institution in which he or she is confined, within 20 calendar days of the date that the basis of the complaint occurred. 28 C.F.R. §§ 542.13, 542.14. If the Warden denies the administrative remedy request, the inmate may file an appeal with the Regional Director within 20 calendar days of the date of the Warden's response. 28 C.F.R. §§ 542.14, 542.15. Under Bureau of Prisons regulations codified at 28 C.F.R. § 542.14(d)(1), an inmate may be excepted from filing a request for administrative remedy if the inmate reasonably believes the issue he or she seeks to raise is sensitive and his/her safety would be placed in danger if the Request

became known at the institution. When submitting a "Sensitive" request, the inmate must explain the reason for not submitting the Request at the institution. 28 C.F.R. § 542.14(d)(1). Once an administrative remedy request marked "Sensitive" is received in the appropriate Regional Office, the Regional Administrative Remedy Coordinator (RARC) will review the request. If the RARC agrees that the Request is sensitive, the Request will be accepted. Otherwise, the Request will not be accepted, and the inmate will be advised in writing of that determination. The inmate may pursue the matter by submitting an Administrative Remedy Request locally to the Warden. Id. If the Regional Director denies an inmate's regional administrative remedy appeal or an inmate's "Sensitive" request for administrative remedy, the inmate may appeal that decision to the General Counsel of the Federal Bureau of Prisons within 30 calendar days from the date of the Regional Director's response. See 28 C.F.R. §§ 542.14 and 542.15. The administrative remedy process is not considered to be "exhausted" until an inmate's final appeal is denied by the Bureau of Prisons General Counsel.

3. In the ordinary course of business, computerized indexes of all administrative remedy requests and appeals are maintained on the Bureau of Prisons' computerized database so rapid verification may be made as to whether an inmate has exhausted the administrative remedy process on a particular issue. Also, in the ordinary course of business, hard copies of all administrative remedy request and appeal packets in which an inmate has reached or attempted to reach at least the Regional level of review with the Federal Bureau of Prisons Northeast Regional Office, are maintained in the Bureau of Prisons Northeast Regional Office. I have access to both the computerized database as well as the hard copies of the administrative remedy packets described above.

4. On or about August 3, 2005, in connection with the above-captioned litigation, I


accessed the computerized indexes of all administrative remedies filed by federal inmate Benjamin B. Buckhanan, Reg. No. 02738-084, to determine whether he had attempted to exhaust the highest level of administrative appeal on the issues raised in the above-captioned civil action.

5. Following a search of the indexes of all administrative remedies filed by inmate Buckhanan, I determined he had not exhausted his available administrative remedies on any issue raised in this civil action. My search of the administrative remedies filed by inmate Buckhanan indicated that to date he had not filed a single administrative remedy request or appeal on any issue raised in the habeas petition filed under the above-captioned civil action number.

6. Attached hereto, please find a true and correct copy of inmate Buckhanan's Public Information Data.

I declare the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 3rd day of August, 2005.



Joyce M. Horikawa
Senior Attorney Advisor
Philadelphia, PA

NERH4 * PUBLIC INFORMATION * 08-03-2005
 PAGE 001 * INMATE DATA * 08:06:15
 AS OF 08-03-2005

REGNO...: 02738-084 NAME: BUCKHANAN, BENJAMIN BRYAN

RESP OF: MCK / DESIGNATED, AT ASSIGNED FACIL
 PHONE...: 814-362-8900 FAX: 814-363-6821

FBI NUMBER.: 498625FA3 RACE/SEX...: BLACK / MALE
 PROJ REL MT: GOOD CONDUCT TIME RELEASE DOB/AGE....: 10-10-1966 / 38
 PROJ REL DT: 05-17-2020 PAR ELIG DT: N/A
 PAR HEAR DT:

----- ADMIT/RELEASE HISTORY -----

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
MCK	A-DES	DESIGNATED, AT ASSIGNED FACIL	03-14-2003 0800	CURRENT
S42	RELEASE	RELEASED FROM IN-TRANSIT FACL	03-14-2003 0800	03-14-2003 0800
S42	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	03-14-2003 0552	03-14-2003 0800
LEW	HLD REMOVE	HOLDOVER REMOVED	03-14-2003 0552	03-14-2003 0552
LEW	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	03-12-2003 1130	03-14-2003 0552
B01	RELEASE	RELEASED FROM IN-TRANSIT FACL	03-12-2003 1130	03-12-2003 1130
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	03-12-2003 0835	03-12-2003 1130
BRO	HLD REMOVE	HOLDOVER REMOVED	03-12-2003 0835	03-12-2003 0835
BRO	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	03-04-2003 1330	03-12-2003 0835
B01	RELEASE	RELEASED FROM IN-TRANSIT FACL	03-04-2003 1330	03-04-2003 1330
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	03-04-2003 0730	03-04-2003 1330
ALM	TRANSFER	TRANSFER	03-04-2003 0730	03-04-2003 0730
ALM	A-DES	DESIGNATED, AT ASSIGNED FACIL	06-13-2001 0700	03-04-2003 0730
B01	RELEASE	RELEASED FROM IN-TRANSIT FACL	06-13-2001 0700	06-13-2001 0700
B01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	06-13-2001 0538	06-13-2001 0700
LEW	HLD REMOVE	HOLDOVER REMOVED	06-13-2001 0538	06-13-2001 0538
LEW	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	06-12-2001 1645	06-13-2001 0538
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	06-12-2001 1645	06-12-2001 1645
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	06-12-2001 1000	06-12-2001 1645
OKL	HLD REMOVE	HOLDOVER REMOVED	06-12-2001 0900	06-12-2001 0900
OKL	A-BOP HLD	HOLDOVER FOR INST TO INST TRF	06-07-2001 1800	06-12-2001 0900
A01	RELEASE	RELEASED FROM IN-TRANSIT FACL	06-07-2001 1900	06-07-2001 1900
A01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	06-07-2001 1545	06-07-2001 1900
LVN	TRANSFER	TRANSFER	06-07-2001 1445	06-07-2001 1445
LVN	A-DES	DESIGNATED, AT ASSIGNED FACIL	11-20-1998 1513	06-07-2001 1445
S01	RELEASE	RELEASED FROM IN-TRANSIT FACL	11-20-1998 1613	11-20-1998 1613
S01	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	11-20-1998 0700	11-20-1998 1613
OKL	HLD REMOVE	HOLDOVER REMOVED	11-20-1998 0600	11-20-1998 0600
OKL	A-HLD	HOLDOVER, TEMPORARILY HOUSED	11-02-1998 1645	11-20-1998 0600
0-Q	RELEASE	RELEASED FROM IN-TRANSIT FACL	11-02-1998 1745	11-02-1998 1745
0-Q	A-ADMIT	ADMITTED TO AN IN-TRANSIT FACL	10-27-1998 1003	11-02-1998 1745
CBR	ADMIN REL	ADMINISTRATIVE RELEASE	10-27-1998 1003	10-27-1998 1003
CBR	A-ADMIN	ADMINISTRATIVE ADMISSION	10-27-1998 0922	10-27-1998 1003

G0002 MORE PAGES TO FOLLOW . . .

NERH4	*	PUBLIC INFORMATION	*	08-03-2005
PAGE 002	*	INMATE DATA	*	08:06:15
		AS OF 08-03-2005		

REGNO...: 02738-084 NAME: BUCKHANAN, BENJAMIN BRYAN

RESP OF: MCK / DESIGNATED, AT ASSIGNED FACIL

PHONE...: 814-362-8900 FAX: 814-363-6821

PRE-RELEASE PREPARATION DATE: 11-17-2019

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.
THE INMATE IS PROJECTED FOR RELEASE: 05-17-2020 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: VIRGINIA, WESTERN DISTRICT
DOCKET NUMBER.....: 91-00024-01-R/C
JUDGE.....: MICHAEL, JR.
DATE SENTENCED/PROBATION IMPOSED: 03-16-1992
DATE COMMITTED.....: 11-20-1998
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED.:	\$50.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 211

OFF/CHG: 18:1201(A) (1) & 2-AID AND ABET KIDNAPPING

SENTENCE PROCEDURE.....: 3559 SRA SENTENCE
SENTENCE IMPOSED/TIME TO SERVE..: 300 MONTHS
TERM OF SUPERVISION.....: 3 YEARS
CLASS OF OFFENSE.....: CLASS A FELONY
DATE OF OFFENSE.....: 01-19-1991

G0002 MORE PAGES TO FOLLOW . . .

NERH4 * PUBLIC INFORMATION * 08-03-2005
PAGE 003 OF 003 * INMATE DATA * 08:06:15
AS OF 08-03-2005

REGNO...: 02738-084 NAME: BUCKHANAN, BENJAMIN BRYAN

RESP OF: MCK / DESIGNATED, AT ASSIGNED FACIL
PHONE...: 814-362-8900 FAX: 814-363-6821

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 01-21-2005 AT MCK AUTOMATICALLY

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 07-14-1998
TOTAL TERM IN EFFECT.....: 300 MONTHS
TOTAL TERM IN EFFECT CONVERTED...: 25 YEARS
EARLIEST DATE OF OFFENSE.....: 01-19-1991

TOTAL PRIOR CREDIT TIME.....: 0
TOTAL INOPERATIVE TIME.....: 0
TOTAL GCT EARNED AND PROJECTED...: 1152
TOTAL GCT EARNED.....: 351
STATUTORY RELEASE DATE PROJECTED: 05-17-2020
SIX MONTH /10% DATE.....: N/A
EXPIRATION FULL TERM DATE.....: 07-13-2023

PROJECTED SATISFACTION DATE.....: 05-17-2020
PROJECTED SATISFACTION METHOD....: GCT REL

S0055 NO PRIOR SENTENCE DATA EXISTS FOR THIS INMATE